

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOM BALAMUCKI and BETH I. KLIMEK

MAILED

SEP 20 2004

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Appeal No. 2004-1878
Application No. 10/051,821

ORDER REMANDING TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on July 7, 2004. A docketing notice was mailed by the BPAI on August 5, 2004. However a subsequent review of the application has revealed that the application is not ready for decision on appeal.

Accordingly, the application is herewith being electronically remanded to the examiner. The matter requiring attention prior to judicial panel assignment is identified below:

One of the references relied upon in the Examiner's rejections is a Japanese reference (JP 03-134367 Onoguchi et al.) We have been unable to locate an English translation of this

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reference in the file. It is essential that the BPAI has a copy in the English language of this reference in the disposition of the application on appeal and it is the responsibility of the Examiner to supply such copy.

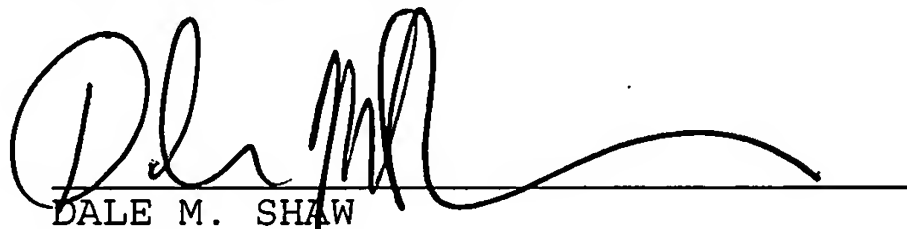
Accordingly, it is

ORDERED that this application is remanded to the examiner to supply an English language copy of the JP reference to the BPAI and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'D. M. Shaw', is written over a horizontal line.

DALE M. SHAW
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DS/vsh

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